

**S.Santhanamoorthy vs The State Information ... on 12
November, 2009**

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.11.2009

CORAM

THE HONOURABLE MR. JUSTICE K.CHANDRU

W.P.No.23075/2009

S.Santhanamoorthy ... Petitioner

Vs.

1.The State Information Commissioner,

TamilNadu Information Commission,

having office at New No.378,

Anna Salai,

(Kamadenu Co-operative Store 1 Floor)

Teynampet, Chennai □ 18.

2.The Regional Directorate of Municipal Administration,

The Public Information Officer-cum,

I Appellate authority,

G.S.T.Road, Chengalpet,

Kancheepuram District.

3.The Public Information Officer,

Municipal Commissioner Office,

Virudachalam Municipality,

Virudhachalam Cuddalore District ... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India praying to issue Writ of Mandamus to direct the third respondent to implement the order passed by the I respondent by his order dated 23.07.2009 and furnish the information as sought for in the petition dated 14.06.2007. For Petitioner :Mr.G.Anabayachozhan

For Respondents :Mr.R.Murali, Govt. Advocate

ORDER

The petitioner sought for the information under the Right to Information Act, 2005 (hereinafter called as 'Act'). Subsequently, the State Information Commission by an order dated 23.07.2009 directed the Public Information Officer of the Virudachalam Municipality to furnish the information as directed by the Commission on or before 10.08.2009 and get the acknowledgement of the petitioner and send the follow up information.

2. The petitioner, who claims to be a District Secretary of V-Pillar India filed the present writ petition seeking for the direction to implement the order passed by the first respondent and to furnish the information as sought for vide his petition dated 14.06.2007.

3. It must be stated that the Act itself is a self-contained Code and it is not as if the commissioner did not order for the production of the information. On the contrary, under Section 25 of the Act, the Commissioner has got the power to monitor and report on the informations. Under Section 18 of the Act, the commissioner also has got the power of the Civil Court including summoning and enforcing the attendance of any person, requisitioning any public record or issuing summons for examination of the witnesses or documents. Any disobedience of the Act also visit with a penalty under Section 20 of the Act.

4. Therefore, the attempt made by the petitioner to make this Court as executing court for the Commission cannot be countenanced by this Court. It is for the petitioner to take appropriate action in terms of the Act. It is only in case where such informations are denied or the Commission's order is not supportable by the provisions of the Act, the question of an intervention by this Court will arise.

5. Under the circumstances, the Writ Petition is misconceived and accordingly it stands dismissed. No costs.

AJR/pbn

To

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Teynampet, Chennai □ 18.

2.The Regional Directorate of Municipal Administration,

**The Public Information Officer-cum, I Appellate authority, G.S.T.Road,
Chengalpet, Kancheepuram District.**

**3.The Public Information Officer, Municipal Commissioner Office, Virudachalam
Municipality, Virudhachalam**

Cuddalore District